



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FORMING TSAI,) No. CV 13-07132-UA
)
Plaintiff,) ORDER SUMMARILY REMANDING
) IMPROPERLY-REMOVED ACTION
v.)
)
ARTELLIA FAITH JOHNSON, et al.,)
)
Defendants.)
)

)

The Court will remand this "Complaint for Unlawful Detainer," Case No. 13PO4534, to state court summarily because Defendant removed it improperly.

On September 26, 2013, Defendant Arelllia Faith Johnson who is sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not

1 competently allege facts supplying either diversity or federal-
2 question jurisdiction, and therefore removal is improper. 28 U.S.C.
3 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
4 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete
5 diversity of citizenship exists, the amount in controversy does not
6 exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
7 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
8 recites "Demand is Less than \$10,000.00."

9 Nor does Plaintiff's unlawful detainer action raise any federal
10 legal question. See 28 U.S.C. §§ 1331, 1441(b).

11 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
12 the Superior Court of California, Los Angeles County, Pasadena
13 Courthouse, 300 East Walnut Street, Pasadena, California 91101 for
14 lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);
15 (2) that the Clerk send a certified copy of this Order to the state
16 court; and (3) that the Clerk serve copies of this Order on the
17 parties.

18 **IT IS SO ORDERED.**

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20 DATED: 10/3/13

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HONORABLE GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE

